

Notice of Allowability

Application No.

10/530,301

Applicant(s)

KONRAD, FRANZ

Examiner

BRYAN T. KILPATRICK

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01 October 2008.
2. ☒ The allowed claim(s) is/are 72-140.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>02 December 2008</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

DETAILED ACTION

Response to Amendment

1. The amendment filed on November 24, 2008 has been entered and fully considered.
2. The rejections to the claims 72-73, 76, 81, 101, 104, 128, 130, 135, and 138 under 35 U.S.C. 112, 2nd paragraph are withdrawn in light of amendments made by Applicant.
3. The objections to the claims 74-75, 77-80, 82-100, 102-103, 105-127, 129, 131-134, 136-137, and 139-140 are withdrawn in light of amendments made by Applicant.
4. Claims 72-140 are pending and have been fully considered; claims 1-71 are cancelled.

Priority

5. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Allowable Subject Matter

6. Claims 72-140 are allowed.
7. The following is an examiner's statement of reasons for allowance:

Applicant claims a holding device having a holding chamber with a container wall surrounded by a holding container for a holding vessel. The holding device further contains a needle holder for a needle arrangement, several adjusting devices, a cover

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element for the needle arrangement mountable on the needle holder, locking arrangements, guide arrangements, positioning and support elements, and retaining, stopping, and securing elements. The instant holding device has a locking arrangement using the cover element, holding chamber, and needle arrangement in which the needle arrangement can be locked in place along a longitudinal axis.

No prior art of record has been found to show or suggest the specific locking arrangement in the disclosed holding device. BONALDO (U.S. Patent 4,774,964) discloses a blood collection device in the Abstract having two disc, one having a needle fixed to it and the other having a aperture axially formed for allowing one end of the needle to pass there through, that move along a longitudinal axis (laterally) and lock the needle in place along the axis. HALSETH et al. (U.S. Patent 6,524,276 and U.S. Patent Application Publication 2003/0105432) discloses in the Abstract a medical device for collecting fluid samples where after use, guides the needle to a tilted position off-axis in the device. SAULENAS et al. (U.S. Patent 7,182,734) discloses in the Abstract a retractable safety needle assembly where the needle is contained entirely within the body of the assembly and are offset from a general axis defining the body. WILKINSON (U.S. Patent 7,258,678) discloses in the Abstract a retractable safety needle apparatus where the needle is contained entirely within the assembly upon using a deflectable actuator.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN T. KILPATRICK whose telephone number is (571)270-5553. The examiner can normally be reached on Mon - Thurs, 7:00 am - 4:30 pm; Fri, 7:00 am - 11:00 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (571)272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BK
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/Jill Warden/
Supervisory Patent Examiner, Art Unit 1797